

REMARKS/ARGUMENTS

Claims 1-24 were previously pending in the application. Claims 1, 3, 11, 13, 21, and 22 are amended, and new claims 25 and 26 are added herein. Thus, assuming entry of this amendment, claims 1-26 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Rejections Under 35 U.S.C. 103

In paragraph 3 of the office action, the Examiner rejected claims 1-3, 11-13, 21-24 under 35 U.S.C. 103(a) as being unpatentable over Gebis in view of Johnson and claims 4-10 and 14-20 under 35 U.S.C. 103(a) as being unpatentable over Gebis and Johnson in view of Schmidt. For the following reasons, the Applicant submits that all of the pending claims are allowable over the cited references.

Claims 1 and 11

Claim 1, as amended, is directed to a method of wirelessly providing, over the Internet, access to specialized content by a user. One or more wireless connection nodes are provided in a geographically defined receiving area. Content selected by an operator of said one or more wireless connection nodes is delivered over the Internet to said one or more wireless connection nodes, wherein said content is (1) specific to said geographically defined receiving area and (2) selected by the operator independent of the user and independent of any preference of the user. Said delivered content is transmitted via said one or more wireless connection nodes.

The Examiner again rejected claim 1 as obvious over Gebis in view of Johnson. The Examiner again admitted that Gebis fails to disclose delivering content selected by the operator independent of the user, and again asserted that Johnson discloses pushing content (i.e., proactive content delivery) when appropriate, rather than in response to a user query.

The Applicant addressed this issue in the Amendment filed August 27, 2008. Applicants pointed out that, while Johnson discloses pushing content, it does not teach or even suggest delivering content selected by the operator independent of the user. Rather, in Johnson, the user configures interests or filters that are saved locally and then communicated to a server data processing system. See, e.g., column 20, line 17-25; Figure 12B; column 27, line 66 - column 28, line 7; and Figure 18B. Subsequently, the server data processing system uses the user's previously configured interests or filters in determining whether content should be sent to the user's device. See, e.g., column 24, lines 43-49; Figure 15A; column 30, lines 50-57; and Figure 20A. Thus, Johnson does not teach or even suggest delivering content selected by the operator independent of the user.

In the Office Action dated October 28, 2008, the Examiner maintained the rejection of claim 1. The Examiner asserted that Johnson discloses transmitting a set of delivery content from a delivery content database to the receiving data processing system according to the current situational location of the user without a user request (column 2, lines 65-67). The Examiner cited various examples in Johnson (columns 3 and 4) of proactive content delivery based on a geographically defined receiving area without a user request.

Notwithstanding the examples described in Johnson at columns 3-4, the Applicant disagrees with the Examiner's conclusion, because the user in the system of Johnson configures

interests or filters that are communicated to the server data processing system and then used in determining whether content should be sent to the user's device. (See citations above.) As such, Johnson does not teach or even suggest transmitting content to the user's device without the use of filters or any preference of the user.

For the sake of clarity, however, the Applicant has amended claim 1 to recite explicitly that "said content is . . . selected by the operator independent of the user and independent of any preference of the user." The Applicant submits that neither Gebis nor Johnson teaches or even suggest this limitation.

For these reasons, the Applicant submits that claim 1, and similarly claim 11, are allowable over the cited references. Because claims 2-10 and 12-26 depend directly or indirectly from claims 1 and 11, it is further submitted that those claims are also allowable over the cited references.

Claims 3 and 13

Claims 3 and 13 have been amended to replace the phrase "single channel" with the phrase "one or more channels," in order to remove an unnecessary limitation. The Applicant submits that claims 3 and 13 depend from claims 1 and 11, respectively, and are allowable for the same reasons as claims 1 and 11.

Claims 4 and 14

Claim 4 recites the additional limitations that "(i) said receiver is further configured to separately tune to each of the plural stations, (ii) said transmission step further comprising at least the step of: transmitting a unique spreading code for each of said plural stations; and (iii) said receiving step comprising at least the steps of: (a) receiving said unique spreading codes; (b) selecting one of said plural stations to play; and (c) using said unique spreading codes to play the delivered content associated with the selected one of said plural stations." (Enumeration added for clarity.)

The Examiner admitted that Gebis fails to disclose transmitting a unique spreading code for each of plural stations, receiving the unique spreading codes, selecting one of plural stations to play, and using the unique spreading codes to play the delivered content associated with the selected one of plural stations. The Examiner asserted that Schmidt, column 2, lines 11-18, discloses separating message channels with different sets of code words and receiving information necessary for accessing channels by using spread codes. The Examiner further asserted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Gebis to implement the feature of sending a unique spreading code for each station so that only a user with proper spreading codes would access personalized information channels. The Applicant respectfully disagrees, because the motivation to combine Gebis and Schmidt alleged by the Examiner lacks merit.

Gebis discloses a portable personal radio (PPR) that allows a user to listen to audio information that is personalized to the user by a PPR server and then is transmitted to the user's device. Communication between the user's device and the PPR server begins by establishing a communications channel between the user's device and the PPR server. According to Gebis, the channel may be established via a cellular phone with a separate or integrated cellular modem, a cellular-digital-packet-data-capable phone, or a wireless data radio. (See Gebis, column 4, lines 27-43.) After a communication channel is established, the client identifies itself to the server and

sends a request for specific content from the server, which in turn begins sending the requested content, which is personalized to the user. (See id, column 4, lines 44-50; column 5, lines 9-14.) As such, it is clear from Gebis that each user's device in the PPR system establishes a unique channel with the PPR server, so that content personalized to the user may be transmitted to, and received by, the user.

The Examiner asserted that one of ordinary skill in the art would be motivated to modify the system of Gebis to provide a unique spreading code for each station, so that only a user with proper spreading codes would access personalized information channels. But the Examiner fails to account for the fact that in Gebis, a unique communication channel between the user's device and the PPR server is already established. Given the existence of the unique communication channel between the user's device and the PPR server, the alleged motivation to combine Gebis and Schmidt (i.e., so that only a user with proper spreading codes would access personalized information channels) is illusory. Further encoding of station content to further limit access to the communication channel would simply be redundant, expensive, and unnecessary.

In contrast, the Applicant has proposed the use of spreading codes to differentiate each Internet radio station (or webcast) within a channel: "In accordance with the present invention, the content provider who control server 112 can lease at least one RF band [a.k.a., channel] on the cellular radio tower 110. This enables the content provider to deliver several 'stations' (e.g., 20 to 40 stations, depending upon the basic operation of a particular CDMA cell). Each 'station' has a unique spreading code and thus is separately 'tunable'." (Specification, page 5, lines 13-16.) Further, "information is passed from the base station to all the hand-held mobile terminal devices in the area, providing information on what spreading codes are used and what stations are associated with the codes." (Id., page 9, line 8-10.) The Applicant submits that this use of existing cellular technology to provide a plurality of streaming Internet radio stations to a digital radio receiver (i) represents a significant contribution to the art of personal digital radio and (ii) is both novel and nonobvious.

The Applicant respectfully submits that the above discussion provides additional reasons for the Applicant's assertion that (i) claim 4 is allowable over Gebis and Schmidt and (ii) for similar reasons, claim 14 is allowable over Gebis and Schmidt.

Claims 23-24

Claim 23 recites "[t]he system of claim 21, further comprising: a receiver (i) in wireless communication with said one or more wireless connection nodes at a first time and (ii) in wireless communication with said one or more other wireless connection nodes at a second time, said receiver receiving said transmitted delivered content at said first time and said other transmitted delivered content at said second time, wherein the content available to the receiver at each of the first and second times is pre-specified based on the wireless connection node whose transmission the receiver receives."

The Examiner asserted that Gebis teaches the limitations of claim 23 at column 3, lines 44-50. The Applicant respectfully disagrees. Gebis, column 3, lines 44-50, states "[o]nce a communication channel is established, in one preferred embodiment of the present invention, the client identifies itself to the server. Requests are sent from the client to the server, and responses, in the form of control messages or data, are sent back. Requests may consist of actions such as changing channels, starting or stopping data flow, and ending a section." The Applicant submits that Gebis, column 3, lines 44-50, does not teach or even suggest the claimed limitation of said receiver receiving said transmitted delivered content at said first time and said other transmitted

delivered content at said second time, wherein the content available to the receiver at each of the first and second times is pre-specified based on the wireless connection node whose transmission the receiver receives.

The Applicant respectfully submits that the above discussion provides additional reasons for the Applicant's assertion that (i) claim 23 is allowable over Gebis and Johnson and (ii) for similar reasons, claim 24 is allowable over Gebis and Johnson.

New Claims 25 and 26

The Applicant has added new claims 25 and 26. Claim 25 depends from claim 1 and recites the additional limitation that the content available to the users is pre-specified based solely on the wireless connection node whose transmission the receiver receives, such that no determination of the user's current geographic location is required before the delivered content is transmitted. Claim 26 depends from claim 11 and recites the same additional limitation as claim 25.

Support for new claims 25 and 26 is found, for example, in the specification at page 6, line 21 through page 8, line 5 and at page 10, line 14 through page 11, line 17. The Applicant submits that none of the cited references teach or even suggest that no determination of the user's current geographic location is required before the delivered content is transmitted. As such, claims 25 and 26 further distinguish the claimed subject matter over the cited references.

Conclusion

For the reasons set forth above, the Applicant respectfully submits that the rejections of claims 1-24 under Section 103(a) have been overcome. Furthermore, new claims 25-26 patentably define over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

Date: 12/29/2008
Customer No. 46900
Mendelsohn & Associates, P.C.
1500 John F. Kennedy Blvd., Suite 405
Philadelphia, Pennsylvania 19102

/David L. Cargille/
David L. Cargille
Registration No. 46,600
Attorney for Applicant
(215) 557-6656 (phone)
(215) 557-8477 (fax)